

investigation suggests that the BPI was not viewed by unauthorized persons.

Case 6: The Commission found that two attorneys breached the APO when they submitted a postconference brief comparing the prices of various firms' imports. The attorneys deliberately declined to bracket a passage providing a description of the degree by which prices reported by one importer were lower than those reported by other importers, on the grounds that Commission Rule 201.6(a)(1) allows parties to make "nonnumerical characterization" of trends in public submissions. In the **Federal Register** notice of final rulemaking for section 201.6(a)(1), the preamble stated that any discussion of the degree or absolute level of a decline or increase was not a "nonnumerical characterization." The Commission concluded that, although the phrases were not literally numerical, they conveyed as much specificity as a strictly numerical characterization. Accordingly, the Commission found that the information in question was BPI and that it should have been bracketed. The attorneys argued that the BPI was information they acquired from their client and not from the questionnaire responses that had been cited in the brief. To support their argument, they cited exhibits that were included with the brief. The Commission found that these exhibits did not support their allegations that the information came from their client. The Commission issued private letters of reprimand to both attorneys.

There were two mitigating factors. Neither attorney had been found to have breached an APO in the two years the Commission typically considers for determining sanctions. In addition, the record showed that the attorneys had responded promptly to the request by the Commission's staff to provide a replacement page for the page containing the unbracketed BPI, although the Commission's Dockets staff never actually received it.

There were also several aggravating factors. First, the Commission found that the breach was not inadvertent. The attorneys were aware of Commission rule 201.6(a)(1), but they made either no effort or an inadequate effort to ascertain the Commission's published interpretation of the regulation, notwithstanding the fact that it was readily available, easily located, and expressly addressed the question of whether the information should be treated as BPI. Instead they adopted their own interpretation of the regulation without consulting the Commission's staff. Thus, they made a

conscious decision not to bracket material that was BPI.

Second, the Commission presumed that an individual not subject to the APO read the unbracketed BPI in the public version of the brief. The brief was sent to counsel for the opposing side, who was not subject to the APO. The replacement page was not sent to him until the next day. The attorneys did not address whether the counsel had viewed the BPI even after being specifically asked by the Commission's Secretary. In the absence of any contrary representation by the attorneys, the Commission presumed that opposing counsel read the brief, including the BPI, at the time he received it.

Third, the breach was discovered by the Commission's staff. In addition, although the attorneys initially provided the replacement page promptly, they did not respond to the second request for a replacement page, which was necessitated by the fact that Dockets staff did not receive the original replacement page. The attorneys did respond to the third request.

APO Breach Investigation in Which No Breach Was Found

Case 1: Counsel for respondents in a title VII investigation transmitted to their clients copies of a draft public version of a prehearing brief. The draft brief contained information that had been derived from information in the Commission's prehearing report. In the report, the information was treated as BPI and was bracketed. The Commission determined that counsel did not breach the APO because at the time the brief was prepared, the substance of the material in the draft prehearing brief was available in the public domain.

Rules Violations

Case 1: The Commission found that an attorney violated 19 CFR 207.3(b) by serving a postconference brief in a title VII investigation by first-class mail. The Commission issued a warning letter. There were two mitigating factors: (1) This was the attorney's first rules violation within the prior two years generally examined by the Commission for purposes of determining sanctions, and (2) the violation was unintentional.

Investigation in Which No Rules Violation Was Found

Case 1: An associate and lead attorney filed an *in camera* hearing request in a title VII five year review which did not meet the content requirements of 19 CFR 207.24(d), was not timely filed, and did not provide good cause for the untimeliness as required under 19 CFR

201.14 and 207.24(d). It was also improperly served contrary to 19 CFR 207.3(b). The attorneys filed a second letter seeking leave to file an untimely request and providing the subjects to be covered during the *in camera* session. This letter did not provide the time necessary to cover the subjects and was also improperly filed. Consequently, the Commission rejected the request for the *in camera* session as untimely. After consideration of the attorneys' responses in this rules violation investigation, the Commission determined that they failed to exercise due diligence in filing the two submissions, but decided not to sanction them. This decision was reached after giving consideration to the facts that their actions were not intentional and that no party was prejudiced by their actions. In addition, this was the associate's first appearance before the Commission.

By order of the Commission.

Issued: October 21, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-27172 Filed 10-26-10; 8:45 am]

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DEPARTMENT OF JUSTICE

[CPCLO Order No. 005-2010]

Privacy Act of 1974; System of Records

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Notice of a Modification of a System of Records.

SUMMARY: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Federal Bureau of Investigation (FBI), Department of Justice, proposes to modify an existing system of records entitled "Data Integration and Visualization System," JUSTICE/FBI-021, which describes the Data Integration and Visualization System (DIVS), to revise the System Location section to clarify locations where the records may be directly accessed and by whom the records may be directly accessed. A new sentence has been added at the end of the System Location section to reflect this information. This system notice was last published on August 31, 2010 (75 FR 53342).

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, please submit any comments by November 26, 2010.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, Department of Justice, National Place Building, 1331 Pennsylvania Avenue NW., Suite 940, Washington, DC 20530-0001, or by facsimile at 202-307-0693.

FOR FURTHER INFORMATION CONTACT: Erin Page, Assistant General Counsel, Privacy and Civil Liberties Unit, Office of the General Counsel, FBI, Washington, DC 20530-0001, telephone 202-324-3000.

In accordance with 5 U.S.C. 552a (r), the Department has provided a report to OMB and the Congress on the modified system of records.

Dated: October 4, 2010.

Nancy C. Libin,

Chief Privacy and Civil Liberties Officer.

JUSTICE/FBI-021

SYSTEM NAME:

Data Integration and Visualization System.

* * * * *

SYSTEM LOCATION:

[Revise the previously published System Location by adding a new sentence at the end of the paragraph.]

Records may be maintained at any location at which the Federal Bureau of Investigation (FBI) operates or at which FBI operations are supported, including: J. Edgar Hoover Building, 935 Pennsylvania Ave., NW., Washington, DC 20535-0001; FBI Academy and FBI Laboratory, Quantico, VA 22135; FBI Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Rd., Clarksburg, WV 26306; and FBI field offices, legal attaches, information technology centers, and other components listed on the FBI's Internet Web site, <http://www.fbi.gov>. Some or all system information may also be duplicated at other locations for purposes of system backup, emergency preparedness, and/or continuity of operations. Additionally, appropriate offices/employees within the Department of Justice that have an official need to know the information contained in DIVS in order to perform their duties, may also be granted direct access to DIVS. Further, employees in other government agencies who are under FBI supervision, in offices where FBI operations are supported, and who have an official need to know the information contained in DIVS in order

to perform their duties may also be granted direct access to DIVS.

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[FR Doc. 2010-27101 Filed 10-26-10; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0074]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: List of Responsible Persons.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until December 27, 2010. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact William Miller, Chief, Explosives Industry Programs Branch, Room 6E405, 99 New York Avenue, NE., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* List of Responsible Persons.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. *Other:* Business or other-profit. All persons holding ATF explosives licenses or permits must report any change in responsible persons or employees authorized to possess explosive materials to ATF. Such report must be submitted within 30 days of the change and must include appropriate identifying information for each responsible person.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 50,000 respondents will take 1 hour to complete the report.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 100,000 annual total burden hours associated with this collection.

If additional information is required contact: Lynn Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, Room 2E-502, 145 N Street NE., Washington, DC 20530.

Dated: October 21, 2010.

Lynn Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2010-27113 Filed 10-26-10; 8:45 am]

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